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An Eighteenth Century View.

In the Senate Friday the Hon. ELMER JACOB BURKE of Nebraska read Washington's Farewell Address. It was a pious duty. Whether the Senate was equally pious in listening is another matter. The document is admittedly a little threadbare. It has been done again and again from a million desks and platforms. Probably nobody pays any attention to it any more. There are other and newer sources of wisdom. It must be confessed that the sentiments and the style have an old fashioned character and cadence. Wanting are the pulsating rush and vigor, the stilted or acrobatic rush and spring. Still, looking the old fellow over, something of some modern interest may be found in him. For instance:

"It is important, likewise, that the habits of thinking in a free country should inspire caution in those entrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasion by others, has been evinced by experiments, ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If the opinion of the people be the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed."

Spirit of encroachment, reciprocal checks, respective constitutional spheres; language still heard, but growing fainter and less articulate in these enlightened days. So far as his theories of government under the Constitution are concerned, WASHINGTON seems to have been a mollycoddle.

"Hayseed Domination."

A number of worthy and disinterested gentlemen, among whom R. FULTON CUTTING bulks big, will meet to-morrow at Albany to form an organization for the protection of the cities of the State from the members of the Legislature representing rural communities. "Hayseed domination" and "invasions of home rule" are to be resisted with ardor. One would believe that a very terrible condition existed, and that the Legislature was the bogey man of every citizen of a community having more than 5,000 inhabitants.

Yet the Legislature has scarcely earned such a reputation. That it has refused to pass some bills that seemed desirable, or had noisy backers, is true, but on the whole it has responded fairly well and promptly to the needs of the cities in the State. The Charter of New York City, amendatory legislation intended to improve that instrument has been treated pretty kindly on Capitol Hill. The "hayseed lawmakers" do not give all that every urban community asks, but the legislative bodies of the cities themselves are open to the same criticism. The Legislature, too, must consider the needs of the whole State as well as the desires of a particular community. It is not always a corrupt motive that moves a rural Assemblyman to oppose a measure seemingly unobjectionable in the place of its origin.

More preponderance of numbers is not the reason the country districts control Senate and Assembly. The rural constituencies keep their representatives in office for long terms, and frequently send men of conspicuous ability to Albany. Such men naturally acquire great influence. That strong members from cities have little difficulty in making important places for themselves is worth remembering.

There is, however, no reason why Mr. CUTTING should not keep his eye on the Legislature.

The Public Land Laws.

Senator HAYBURN called attention to a matter of great importance when on Friday last he urged the wisdom of the rule of Congress which is intended to "prevent general legislation being enacted as a part of a general appropriation bill." Few rules of Congress are more frequently violated, and none is so frequently the subject of attempted evasion and violation.

Within a few days past much time has been consumed in the Senate by discussion of the forestry question in connection with the Agricultural Appropriation bill, and much time has been consumed in the House by discussion of the land laws in connection with the Sundry Civil bill. In a special message submitted on February 1 the President called the attention of Congress to "the need of vigorous and immediate action to recast the public land laws and adapt them to the actual situation." On February 13 he again called attention to "the urgent need of legislation affecting the different phases of the public land situation." On the whole, our land laws have served their purpose very well, notwithstanding their too frequent violation by thieves and looters, who have taken advantage of a somewhat careless administration of the laws. Under the various acts which have been in operation millions of settlers have acquired land, established homes and have contributed much to our economic and social development.

There are many who hold that the existing laws, properly executed, are suitable and adequate. There are others, the President among them, who are convinced of the need of radical alteration. The point raised by the Executive involves a distinct change in national policy. The policy hitherto has been to leave all forms of economic development and enterprise to individual initiative. It is now proposed that the Government shall rent its grazing lands, reserve mineral rights where land is sold in mineral regions, lease mineral properties and exercise supervision, regulation and control over forest areas, including the sale of timber.

All this should be left for careful consideration as a separate and special measure. It is much too important for inclusion, in disconnected fragments, in different appropriation bills.

Two Southerners Upon the Negro Problem.

In the last few days two eminent Southerners, one white and the other black, have dealt with the negro question from the political and material points of view, and their judgments read together are mighty helpful and hopeful to rational Americans.

Addressing the Tuskegee conference on Wednesday BOOKER T. WASHINGTON said that the negro since emancipation had become the owner of land equal to the combined territory of Holland and Belgium—a pregnant and significant fact when we consider the share in government which the owners of land in every country of right must have in great numbers, and particularly in a land of free institutions, though for a time legislation may impede and restrict them. That the negro would rise by the stepping stone of property to higher things Mr. WASHINGTON was confident. Said he:

"Any black man who is worth his salt can build a decent home—can raise a respectable family—can secure all the work that he wishes—can educate his children—can have freedom of religious worship—can secure and maintain the respect and confidence of his neighbors of both races. But we must not be satisfied with what we have achieved in the past. We must continue to go forward. As we grow material let us seek with all our might to turn material possessions into the highest moral, mental and religious usefulness."

On Washington's Birthday Mr. HANNIS TAYLOR, formerly Minister to Spain, discussed the "Relation of the South to Pending Problems" at Johns Hopkins University; showed that its assessed property had increased from \$3,000,000,000 in 1870 to \$7,000,000,000 in 1906, or to more than the wealth of the Union in 1860; and made bold to say that the welfare of the New South required that the negro should exercise the suffrage as he proved his fitness for political responsibility—the rule now in constitutional theory, but more honored in the breach than in the observance. It will be noted in the following passage from Mr. TAYLOR's address that he holds that disfranchisement should be a temporary expedient, and that it would be fatal to let it harden into precedent:

"The basic principle upon which the new Southern constitutions rest is that as fast as our colored citizens become qualified by education or property, or both, for the franchise they shall be endowed with it. Without fraud or subterfuge that principle should be firmly applied in the actual administration of government. Intelligent and responsible minorities of colored voters thus introduced into Southern electorates can never menace, in my judgment, the political supremacy of a race endowed with a genius for domination."

This is the judgment of one educated and thoughtful Southerner. Great was the blunder of bestowing the suffrage upon unshackled blacks with minds enslaved by ignorance, but Mr. TAYLOR believes that to withhold it from them as they qualify for it by learning the theory of American government and acquiring taxable property would be a violation of the principle upon which that government is founded, for which ultimately we should have to pay in the decline of free institutions and irrepressible race conflict.

Is a Change of Ministry at Hand in Russia?

Although the new Duma which will meet on March 5 will contain upward of 300 members, 410 had been elected, to February 23 only.

It seems already certain that Premier STOLYPIN's hope of securing a Ministerial majority through a combination of Monarchists, Octobrists and Constitutional Democrats will be disappointed. It is more probable that the various sections of the Left, if they can manage to act together, will control Russia's national assembly.

This, of course, is a defeat for Premier STOLYPIN, and it would surprise nobody if, recognizing the fact, he should resign before or soon after the meeting of the Duma. Acknowledged on all hands to be a thoroughly upright and fair minded man—he was the only Minister who commanded the respect and confidence of the last Duma—he has, nevertheless, fallen between two stools, having succeeded in pleasing neither the Advanced Liberals nor the Reactionists. He has alienated the former because, although he refused to abolish the electoral law, he prevailed upon the Council of the Empire to put upon it such interpretations as in many respects amount, practically, to the introduction of a new and restricted electoral system. On the other hand the Reactionists have resented his Jewish Relief bill, and have thus far prevailed upon the Czar to withhold his approval from it. The question, therefore, of Jewish relief will go to the Duma, but a bill passed by that body will require the assent of the Council of the Empire and of the sovereign.

While, however, his good intentions in this direction were foiled, Premier STOLYPIN may say with truth that he has striven to provide adequate succor for the sufferers from famine, and that it is no fault of his if a considerable part of the large sums allotted for the purpose have been embezzled. For the peasantry, who form the bulk of the Russian people, he has secured two great boons. The individual peasant, who until lately was tied to his commune, has acquired personal freedom. Moreover, large quantities of land, consisting of Crown and appanage estates, supplemented with a number of estates purchased from private owners, have been thrown open to occupation on very easy terms. One might infer that he could rely on the gratitude of the peasants, and so perhaps he could but for the fact that spokesmen of the Constitutional Democrats and Social Democrats continually assert that the lands should have been distributed gratuitously.

Whom could the Czar substitute for Mr. STOLYPIN in the Premiership? There are reports that he means once more to put forward Count WITTE, but for whom, it may be said with truth, there never would have been a Duma, much less the extremely liberal electoral law which still ostensibly remains operative. It may also be urged on his behalf that he is easily the foremost of Russian financiers, and that financial abilities of the highest order will be needed for the procurement of another foreign loan. Yet it is hard to see how Count WITTE any more than Mr. STOLYPIN could piece together a Ministerial majority from the elements of the new Duma. He is much more disliked and distrusted than is the present Premier by the sections of the Left that seem likely to be dominant, while at the same time he is even more obnoxious to the Reactionists, who blame him for what they deem the fatal concession of representative institutions.

If, as now seems probable, the Duma is organized by the parties of the Left, assisted by the more radical members of the Constitutional Democracy, we may expect to see it decline to discuss the Ministerial programme and insist primarily on the recognition of the principle of Ministerial responsibility to the people's representatives. As that concession will not be made, an early dissolution of the chamber is probable. To what expedient will the Czar then have recourse? He cannot repudiate representative institutions altogether, in view of the promises made to France at the time when the last foreign loan was obtained. He can, however, take for Prime Minister such a man as Mr. A. GOCH-KOFF of Moscow, the leader of the Octobrists, on the understanding that the present electoral law shall be abolished and be replaced by a restricted franchise founded on property qualification, the aim being, while conceding a certain amount of indirect representation to the peasants, to give property owners a great preponderance of strength in the legislative body. On such a course, which according to many onlookers should have been pursued in the first instance, NICHOLAS II. seems likely to fall back if no basis for compromise with the new Duma shall be found.

Objections to the Police Bill. A statement declares that the adoption of the Page-Prentice bill, giving to the Commissioner of Police authority to detail captains as inspectors and any member of the force to detective duty, would "inject more politics into the department than it ever knew," and adds:

"The permanency of the present rank removes the office of inspector from political interference."

He also calls attention to the fact that if the Commissioner should assign the nineteen inspectors now in the department to captain's duty and put nineteen captains in their jobs the cost to the city would be \$14,250 a year. The possible added cost of maintaining the department is in any event a matter of small consequence, but it would soon be counterbalanced by the saving in back salaries paid to dismissed inspectors reinstated by the courts. Even were this not the case the city would gladly pay much more than the sum named to get good police service.

To the objection that politics might be introduced in the department the answer is that politics has never been out of it. The assertion that permanent inspectors are uninfluenced by political considerations is not well founded. Permanent inspectors have their political friends, whom they protect and serve. They are also deep in the internal politics of the Police Department, of the operations and results of which the public is not entirely unacquainted.

The police legislation advocated by the Commissioner would put the real power into the hands of an officer on whom the real responsibility lies, and who is subject to removal by either the Mayor or the Governor. Under the present law the power lies with his nominal subordinates, whose removal is so difficult as to be not worth attempting in many cases where it would be highly desirable.

Progress. With constant pounding and thorough work on the part of the exterminator, by and by there will not be a solitary weeviling or a single coward left to divert the Chief Magistrate's mind from his constitutional duties.

The weeklings will all have become strong through suffering. The cowards will all have acquired that stolid, brazen indifference to consequences which sometimes passes for true courage.

Then for the extirpation of a more dangerous element than either the weeklings or the cowards: the Fools.

The Protector of Genius Punctures Mammon.

We have an especial veneration for the Hon. OLLIE M. JAMES, the Marion Colossus who represents the First Kentucky district in Congress. The interposition of his Atlantican bulk between the Hon. THADDEUS MACLAY MAHON of Pennsylvania and the Monumental Pile of Brains from Tennessee saved one life, perhaps saved two lives. JOHNS WESLEY GAINES, fire leaping visibly from his commanding and Tappertint eyes, his wealth of hoary locks now curling and hissing like quills upon the fretful porpoise, was sprinting ferociously down the aisle after MAHON. The lie had been passed, and MAHON came

mightily near passing. We don't pretend that we should have mourned especially for MAHON, excellent and amiable as he is. He doesn't hum and sizz and rotate rapidly. He is no poet, no genius, no human pinwheel. Whereas Dr. GAINES is precious immeasurably; and if anything had happened to him, if he had burned himself up in the wild shock of his own velocity and impact, the world would have been inconsolable. Mr. JAMES, rescued him, put him out. Therefore must all of us always thank and bless JAMES and wonder why his Christian name should be so diminutive and so incongruous with his majestic person, just as we wonder why the omniscient Dr. PECK of Morningside should be called "HARRY." Those things lie on the knees of sarcastic gods.

So much for Mr. JAMES in the past. Now for him in the living present. Viewing with alarm the national banks and with compassion "the laboring man who counts his weary hours of toil in his battle for bread," and "the farmer whose energy feeds the world," Mr. JAMES reinforces the grand and sad truth that you can't borrow money with no other security than the fact that you need it:

"They might tell of mortgages about to be foreclosed, of the officer ready to sell their all under the hammer, yet empty handed they would return from the marble columns of these men, realizing the great body of fine legislative and executive ability constantly developing among the masses who are endowed with natural gifts of 'statesmanship,' but are 'as a rule unsuccessful in accumulating wealth.'"

He makes a detailed exhibition of the cost for Senators of shelter and food in Washington, and dwells with emphasis on the experience of the late Senator HOAR, who he affirms expended all his salary in every other way of living and also his savings of \$100,000 from previous work at the bar. It is regrettable that he does not inform his readers whether or not the present successor of Mr. Hoar, who is reputed very rich, is a good legislator, having that rare combination of a gift for heaping up both riches and statesmanship.

While Senators not rich are now restricted in Washington to small rooms on the top floor and can have no table luxuries, Mr. Beveridge warns his readers that the rich in that city expend, some of them, \$40,000 a year, and even \$60,000. He goes into such details as that one individual spends \$75,000 "for only husband and wife—no children." The contrast is very sad! But, adds the Senator, the self-respect and manly pride of Congressmen not rich are hurt, and what is more serious, the unrich are at a disadvantage with their colleagues in taking care of the interests of the semi-sovereign State of which each is an ambassador. This is the condition now as the ambassador from Indiana describes the rich and the poor:

One can entertain all visitors to Washington: the other cannot. One can entertain his colleagues: the other cannot. One can accept the hospitality of his associates because he can turn over his hospitality: the other cannot accept this hospitality and retain his self-respect, because he cannot by any possible means turn over his hospitality. It is in itself an absurdly influential factor in Washington life—influential with the Senator or Congressman's constituents who are visiting Washington, and even more influential in the Senate. Thus the millionaire in national public life has an incalculable advantage over the poor man in public life. It would be hard, too, to reckon the amount of the rich man's influence upon the shaping of national policies and the enactment of practical legislation. When public men and their wives meet at the home of another public man, at about his brilliant and his wife's charming and intimate conversation, a subtle bond is established which has its effect here in America, just as the same cause has produced the same result in England and in every other country at all periods of history.

Such inequality of opportunities certainly should not exist in Washington, but Mr. Beveridge suggests no remedies. He even hints that increasing salaries will do little or no good. Nothing will, in his opinion, benefit except an exclusion by the States of the rich Senator who will expend so much money.

There is just a wee bit of a suspicion that the Republican party is to be divided on the issue of rich or unrich Congressmen, and thus a defeat accomplished of those described in Administration circles as "reactionaries."

In 1909 the official terms of one-third of the Senators will expire, and two years later another third will have finished six years' term. Yet Mr. Beveridge makes no mention of the names of the offensively rich Republicans who ought not to be reelected. That is to be deplored! However, the description of the condemned mode of life of certain rich Congressmen gives an easy clue to the names of those "reactionaries" in the Republican ranks whose return to paradise he would never bar.

The saddest part of Mr. Beveridge's creed is that he suggests no remedies. The presence in Washington, as a result of the 1909 elections, of thirty new and not rich Senators would probably not reduce the exactions of hotels, boarding houses and those having houses to rent. He doubts whether any permissible increase of salary will be a remedy. In a word, the problem is for the absolutely insoluble. That is as bad as can be!

If the only difficulty to be overcome is the high price of rent, food, board and lodging at the national capital, why has it not occurred to the facile and fascinating mind of the Administration Senator from Indiana to take a leaf out of the book of railway rate legislation and create by statute an executive or Congressional commission each empowered to regulate the prices at which hotel keepers, boarding house keepers and all such purveyors shall offer shelter, food and lodging to Congressmen, and prices at which house owners shall offer houses for rent? Is not the Federal Government well high supreme in the Federal city? Is not there an effort to make by statute Washington a model city for the "economic man"? Is not Congress now trying to forbid "tip to hotel servants"? In keeping is certainly infected, or affected, by a "public use." Boarding house keeping and house renting may not be at common law, but what is that "between friends" in this Congress? If a national statute may constitutionally forbid an interstate railway to transport milk taken from a cow in Indiana by a child, why may not Congress regulate the prices which a Senator can be compelled to pay in the District of Columbia?

At any rate there cannot be any great harm in suggesting some such statute to the receptive, subtle and productive mind of the Indiana Senator as one way out of the great face to face peril which he sees confronting his country and democratic institutions.

C. Y. N.
New York, February 25.

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To THE EDITOR OF THE SUN:—Your editorial of 24 concerning the Clancy tablet well expresses the obvious reaction to such a decoration for the Sub-Treasury.

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The latter incident has much stronger historical evidence in support of its reality, and the two tablets together would correct each other, and show in a strong light the broad humanity of the Father of His Country.

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GEORGE B. DAWLEY.
CHICAGO, February 25.

PLEA FOR FEDERAL REGULATION OF WASHINGTON BUTCHERS.

To THE EDITOR OF THE SUN:—Senator Beveridge greatly delects himself with an unforseen and as yet generally unrecognized view to democratic institutions in the United States which he fancies he has discovered growing out of the presence in Congress of the very rich. To his unsuspecting countrymen he exclaims:

"The increase of millionaires in American public life, which is in the ratio that has been maintained for the last decade, soon places the conduct of national affairs exclusively in the hands of the vasty rich, while it is now an accepted fact that none but men of great fortunes can represent this republic at the capitals of other great nations of to-day."

He explains that in Washington the evil has come of the invasion of rich private persons and of the cost of living by Congressmen at the national capital, but he offers no reason why American Ambassadors sent abroad need be so tremendously rich.

With his flaming pen he bawls millionaires from entry into our Congressional paradise, excepting those rich men who have "extraordinary qualities of statesmanship." He declares that the process of exclusion must quickly begin "with men whose money is their principal recommendation to office," and the process of inclusion must embrace that "great body of fine legislative and executive ability constantly developing among the masses who are endowed with natural gifts of 'statesmanship,' but are 'as a rule unsuccessful in accumulating wealth.'"

He makes a detailed exhibition of the cost for Senators of shelter and food in Washington, and dwells with emphasis on the experience of the late Senator HOAR, who he affirms expended all his salary in every other way of living and also his savings of \$100,000 from previous work at the bar. It is regrettable that he does not inform his readers whether or not the present successor of Mr. Hoar, who is reputed very rich, is a good legislator, having that rare combination of a gift for heaping up both riches and statesmanship.

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AS TO A TREATY WITH JAPAN.

The Question Still Open: What Are the Limits of the Treaty Making Power?

To THE EDITOR OF THE SUN:—The settlement agreed upon, by which the ordinary segregation of the Japanese students in the public schools of San Francisco is to be repealed by the city authorities in consideration of the exclusion of Japanese laborers from our continental territory, puts at the present at least to what promised to be a most embarrassing position for our Government. It establishes a *modus vivendi* which removes the acuteness of the situation and which it is to be hoped may be followed by a treaty that will be satisfactory to all parties interested.

The presentation of the subject, however, has brought up questions of international and constitutional law which must be met sooner or later by this Government and which call for the most serious consideration of our public men. These questions involve the power of the United States to make treaties with other nations, and our experience with Japan should teach us the necessity of settling among ourselves the respective rights and powers of the nation and of the States as to the making of treaties.

If this nation has the sovereign power to make treaties with other nations we should know it; and if it has not that power but is limited by the reserved rights of the individual States, we should know that and seek ourselves accordingly to the Government may not be placed in the humiliating position of making a treaty and then when called upon to fulfill it pleading our inability to carry out our obligations.

The advocates of exclusion have contended that the regulation of the educational system of California is a matter exclusively within the jurisdiction of the State and as one of the reserved rights of the States, and as such protected by the Constitution from infringement by any treaty.

At first sight this appears to be a reasonable position, but a closer examination will show that however reasonable it is not supported by the Constitution of the United States, but that this instrument as it now stands authorizes the treaty of 1885 and requires its enforcement in the event that the court should hold that it provides for the admission of Japanese children to the public schools of the country.

A glance at paragraph 2, section 2, Article II of the Constitution shows that the treaty making power is unlimited as to the subjects upon which it may be exercised. The President, by and with the consent of the Senate, shall have power to make treaties. No words of limitation here. His own discretion and that of the Senate are the only measures of the power. It is a great power, but from the very nature of the case it must be a great power.

We must have intercourse with other nations, and treaties are the means by which that intercourse must be regulated—commercial treaties, postal treaties, arbitration treaties, treaties of peace, treaties of commerce, treaties of peace, treaties on every subject that interests us in common with the outside world. The treaties of amity and alliance with France in 1778 assured our independence; the treaty of peace with Great Britain secured our acknowledgment by the mother country.

The framers of the Constitution knew that it would be impossible to fix any limit to the treaty making power because it was impossible to foresee the exigencies which might arise in our national existence. A disastrous war might compel a cession of part of our territory, as Great Britain had been compelled by her revolution to give up her thirteen colonies and as France before that had given up Canada to Great Britain. So far our good fortune has been the wonder and admiration of the world.

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